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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMANTHA SIVA KUMARAN, et al.,	:	
	:	
Plaintiffs,	:	1:20-cv-3668-GHW
	:	
-against-	:	<u>ORDER</u>
	:	
NATIONAL FUTURES ASSOCIATION, LLC, et	:	
al.,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, District Judge:

On September 16, 2021, Magistrate Judge Aaron entered a Report and Recommendation (the “R&R”), recommending that the Court grant the motion to dismiss filed by Defendants National Futures Association, Nicole Wahls, and Vilia Sutkus-Kiela (collectively, the “NFA Defendants”) and the motion to dismiss filed by Defendant Tom Kadlec. Dkt. No. 113. On September 20, 2021, the Court granted Plaintiffs’ application for an extension of time to file objections to the R&R, and directed that Plaintiffs’ objections be no longer than 25 pages and that Plaintiffs’ reply be no longer than 15 pages. Dkt. No. 115.

On October 19, 2021, Plaintiffs requested to exceed the page limit for their objections to the R&R. The Court granted Plaintiffs’ request, and set the page-limit for Plaintiffs’ objections to 30 pages, and the page-limit for Plaintiffs’ reply to 15 pages. Dkt. No. 122. On October 20, 2021, Plaintiffs filed an objection to the R&R for the NFA Defendants’ motion to dismiss, and an objection to the R&R for Kadlec’s motion to dismiss. Dkt. Nos. 123–24.

On October 26, 2021, the Court granted an extension of time for Defendants to file their opposition to Plaintiffs’ objections, and for Plaintiffs to file a reply. Dkt. No. 128. On December 31, 2021, the Court granted another extension of time for Plaintiffs to file their reply. Dkt. No. 134.

Plaintiffs filed two replies on January 18, 2022, and amended one of the replies on January 19, 2022. Dkt Nos. 142–43, 145. Plaintiffs’ reply to the objections to the R&R for the NFA Defendants’ motion to dismiss is 48 pages long. Dkt. No. 145. Plaintiffs’ reply to the objections to the R&R for Kadlec’s motion to dismiss is 44 pages long. Dkt. No. 142. Both filings greatly exceed the limit of 15 pages. Kadlec moved to strike the portion of Plaintiffs reply that exceeded 15 pages, Dkt. No. 144, and the NFA Defendants moved to strike Plaintiffs reply in its entirety, Dkt. No. 147.


Plaintiffs have disregarded the Court’s orders and local rules. The Court clearly established a page-limit for Plaintiffs’ reply and the Court’s Individual Rules of Practice require a party to obtain permission to exceed the page limit prior to filing a memorandum of law. Further, Magistrate Judge Stewart previously admonished Plaintiffs “for filing multiple memoranda of law that vastly exceed the Court’s page limits” and directed Plaintiffs to “make any request for additional pages prior to the filing deadline.” Dkt. No. 102. Despite the Court’s order establishing the page limit, and the Court’s multiple extensions of time for Plaintiffs to complete their reply, Plaintiffs submissions are approximately three times longer than the page limit. Finally, although Plaintiffs indicated that they intend to file a motion for leave to file excess pages, *see* Dkt. No. 146, as of January 25, 2022, the Court has yet to receive the proposed motion.

For these reasons, the Court grants Defendants’ motions to strike, and strikes Plaintiffs’ replies in their entirety.

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 144, 147.

SO ORDERED.

Dated: January 25, 2022
New York, New York


GREGORY H. WOODS
United States District Judge